

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

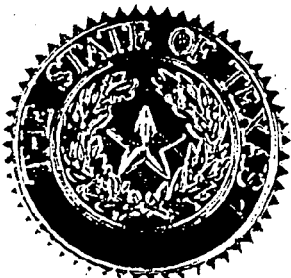
Pursuant to Article IV, Section 14 of the Texas Constitution, I, Ann W. Richards, Governor of Texas, do hereby veto H.B. 779 because of the following objections:

This bill contains several amendments to the Texas Alcoholic Beverage Code, some of which are needed and acceptable. However, another provision of the bill requires a veto. H.B. 779 contains an "indemnity provision" which overextends a brewery's or distiller's indemnification of sellers (i.e. non-manufacturers) of alcoholic beverages. The intent of the section was to secure indemnification and attorney's fees as they relate to product liability lawsuits; however, the drafter's concede the language was overly broad. In 1987, the Legislature passed a law allowing a person who serves an alcoholic beverage to an obviously intoxicated person to be held liable for damages caused by the intoxicated person. The purpose of this so-called "Dram Shop Act" is to reduce the number of intoxicated persons driving home from bars. H.B. 779 would completely undercut this purpose by requiring the manufacturer or importer of the beverage to indemnify the retailer for any legal action brought against the retailer. To prevent undoing the progress that has been made in the war against drunk drivers, I am vetoing House Bill 779.

I have said publicly that I have no preconceived opinion as to whether or not alcoholic beverages should or should not be sold in Texas Stadium. I am told that many people in Irving oppose the issue; on the other hand, I am told that the regulated and controlled sale of alcoholic beverages in the stadium is preferable to the current system of allowing persons to carry their own beverages into the stadium. I make no judgment on the matter.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at Austin, this 7th day of June, 1991.

A large, stylized cursive signature of Ann W. Richards.

Ann W. Richards
Governor of Texas

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

JUN 07 1991